

**REMARKS**

In the Office Action, claims 1-27 were finally rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,850,218 to LaJoie et al. (hereinafter "LaJoie"). Applicants have amended independent claims 1 and 16 for clarification. Applicants submit that the claims as amended have sufficient foundation in the specification (e.g., p. 22, lines 16-19), and that no new matter has been added. Applicants respectfully submit that the claims are in condition for allowance.

**Rejections under 35 U.S.C. § 102(e)**

In the office action, claims 1-27 were rejected under 35 U.S.C. § 102(e) as anticipated by LaJoie. Applicants have amended the claims to clarify their scope and limitations.

Independent claim 1 is directed to a method of presenting an audiovisual signal to a user's audiovisual display monitor, including the steps of:

- receiving a command from the user;
- responding to the command by *assigning* an assignable computing device (ACD) *to the particular user*;
- establishing a communications link between the user's audiovisual display monitor and the ACD;
- presenting a menu containing a selection of video programs to the user's audiovisual display monitor with the ACD;
- selecting one of the video programs for display; and
- routing said selected video program to the user's audiovisual display monitor.

Independent claim 16 is directed to an apparatus for presenting an audiovisual signal to a user's audiovisual display monitor, and includes similar limitations. Applicants have amended these claims to further clarify that a particular ACD is assigned to a particular user and that user alone. (*See, e.g.,* Specification, p. 22, lines 16-19).

LaJoie does not disclose or suggest this limitation of assigning a particular computing device to a single user. In the Office Action, the Examiner asserts that LaJoie describes the assignable computing device similar to that recited in independent claims 1 and 16:

"[A] user accesses the Internet, through a computing device... [a]ny particular server computing device, providing a service to the user and thus the user is communicating with reads on being assigned to the user."

(Office Action, pp. 3-4, *citing* LaJoie, col. 17, lines 58-65).

However, this cited portion of LaJoie does not disclose or suggest at least the claimed limitation of assigning an assignable computing device to a user. The portion of the Office Action cited above equates communication with any computing device to an "assignment" of that device. To the contrary, the use the term "assignable" in independent claims 1 and 16 denotes the dedicated allocation of a particular device to a particular user. This reading finds support throughout the specification. (*See, e.g.*, Specification, p. 21, lines 19-21; Specification, p. 22, lines 16-19, describing that after an ACD is assigned to a user, it is removed from a list of available devices).

In contrast, LaJoie teaches the use of a *single* "headend unit," or server computing device which communicates with and provides distributed services to a plurality of user set-top terminals. (*See* LaJoie, col. 9, lines 43-52). Even if Lajoie does suggest that the various functions of the headend unit could be implemented as single and separate devices, LaJoie does not disclose or suggest that a particular unit be assigned to a particular user. (*See* LaJoie, col. 10, lines 4-7).

In fact, as Applicants noted in response to the previous Office Action, the use of a central host to provide all menuing functions and program content as described by LaJoie is precisely the kind of prior art which is discussed in the "Background of the Invention" portion of the application, and would operate subject to the associated drawbacks which the claimed invention is designed to alleviate (e.g., slow system

performance due to heavy traffic load on a single host unit). (*See Response of September 30, 2002, citing Specification, p. 2*).


Further, LaJoie does not disclose or suggest the assignment of a particular device to a particular user to provide all of the menuing and selection functions to that user. Independent claims 1 and 16 both recite this feature, and accordingly LaJoie cannot be properly used to anticipate these claims.

Accordingly, Applicants submit that claims 1 and 16 as amended are in condition for allowance. Additionally, because dependent claims 2-15 and 17-27 contain all of the limitations of the claims on which they depend, Applicants submit that these claims are also in condition for allowance.

#### CONCLUSION

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of claims 1-27 are respectfully solicited. In the event that the application is not deemed in condition for allowance, the examiner is invited to contact the undersigned in an effort to advance the prosecution of this application.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please amend the claims as follows:

1. (Amended) A method of presenting an audiovisual signal to a user's audiovisual display monitor comprising:

- receiving a command from the user;
- responding to the command by assigning an assignable computing device (ACD) to the particular user only;
- establishing a communications link between the user's audiovisual display monitor and the ACD;
- presenting a menu containing a selection of video programs to the user's audiovisual display monitor with the ACD;
- selecting one of the video programs for display; and
- routing said selected video program to the user's audiovisual display monitor.

16. (Amended) An apparatus for presenting an audiovisual signal to a user's audiovisual display monitor comprising:

- a programming subsystem;
- a Room Communication Subsystem (RCS);
- a Site Management Subsystem (SMS);
- said RCS connecting a plurality of user's audiovisual display monitors to the system;
- said programming subsystem including a plurality of audiovisual serving devices communicating with the user's audiovisual display monitor over said RCS; and
- said SMS assigning an Assignable Computing Device (ACD) audiovisual serving device to a particular user to present a menu containing a selection of video programs to the particular user's audiovisual display monitor over said RCS.